



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Applicant : Shifman et al.  
Serial No. : 10/071,634  
Filed : February 7, 2002  
For : **"BLENDs OF FLUOROELASTOMER INTERPOLYMERS WITH FLUOROPLASTIC INTERPOLYMERS AND THE USE OF SUCH BLENDs IN HOSES"**  
Docket No. : 94-25b  
Examiner : Jeff H. Aftergut  
Art Unit : 1733

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Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

Sir:

**SECOND SUBSTITUTE AMENDMENT**

This Amendment is submitted in response to the Second Advisory Action mailed November 26, 2003.

Applicant respectfully requests that the Examiner disregard the previous amendment filed in response to the Second Advisory Action and, in its place, enter this Amendment as the reply to the Final Rejection mailed August 12, 2003. In the present amendment applicant has corrected the incorrect identifiers for the claims. More specifically, claims 1-31 and 36 have now been identified as "canceled"; claims 32, 33, 39, 44, 45, 46, 47, 48, 49, 50 and 51 have now been identified as "previously presented"; and claim 37 has now been amended to depend from claim 35. Also, claim 37 has now been identified as "currently amended" in view of the present amendment to claim 37. The amendments have been made to comply with the Examiner's requirements in the second Advisory Action. No new matter has been added by this amendment.

Accompanying this substitute amendment is a Notice of Appeal and a request for a one month extension of time. Authorization to charge the appropriate fees to a deposit account is attached.

The title has been amended as shown in the AMENDMENTS TO THE SPECIFICATION to be more commensurate with the claimed invention.

Amendments to the claims are shown in the LISTING OF THE CLAIMS which begin on page 4.

The Examiner's statement that applicant's request for reconsideration does not place application in condition for allowance because, as presented, the claims are not commensurate in scope with applicant's arguments in relation to the use of the hose and the unexpected benefits attained as a fuel hose, is not entirely understood. Applicant has discovered a method of manufacturing a flexible polymeric hose which comprises providing a first tetrafluoroethylene-hexafluoropropylene-vinylidene fluoride (THV) interpolymer containing about 65 to 73% fluorine and exhibiting elastomeric characteristics; providing a second THV interpolymer containing about 70 to 75% fluorine and exhibiting thermoplastic characteristics; blending the first THV with the second THV; providing an elastomeric polymer selected from the group consisting of butadiene-acrylonitrile rubber, epichlorohydrin and ethylene-acrylic rubber; coextruding the blend of THV's and the elastomeric polymer to form a multilayered tubular structure comprising at least a first inner layer and a second layer; forming a cover around the multilayered tubular structure; and forming a reinforcing layer between the multilayered tubular structure and the cover. There are several aspects of the present invention with respect to the extrusion of the various layers of the hose. It is applicant's contention, however, that none of the cited art teaches the blending of the two very specific THV interpolymers of the present invention and employing the blend along with the claimed elastomeric polymers in the manufacture of a flexible hose. Not only is the prior art devoid of any disclosure of the specific blend of THV interpolymers of the present the prior art in the manufacture of a hose, but there is a conspicuous absence of any incentive to employ such a blend to produce a hose. Therefore, applicant believes that the arguments set forth herein are commensurate with the scope of the present claims. Furthermore, it is believed that the present claims are neither anticipated by the cited art, nor rendered obvious by such art. Accordingly, applicant respectfully requests that the Examiner consider these comments along with those presented in the REMARKS section.